ORIGINAL

ANNE GOODWIN CRUMP* VINCENT J. CURTIS, JR. THOMAS J. DOUGHERTY, JR. JAMES G. ENNIS PAUL J. FELDMAN RICHARD HILDRETH EDWARD W. HUMMERS, JR. FRANK R. JAZZO BARRY LAMBERGMAN PATRICIA A. MAHONEY GEORGE PETRUTSAS LEONARD R. RAISH JAMES P. RILEY MARVIN ROSENBERG LONNA M. THOMPSON KATHLEEN VICTORY* HOWARD M. WEISS

"NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

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February 4, 1993

PAUL D.P. SPEARMAN (1936-1962) FRANK ROBERSON (1936-1961) RETIRED

BUSSELL BOWELL EDWARD F. KENEHAN FRANK U. FLETCHER

> OF COUNSEL EDWARD A. CAINE

TELECOMMUNICATIONS CONSULTANT

HON, ROBERT E. LEE

WRITER'S NUMBER

5770

RECEIVED

FEB - 4 1993

FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

Ms. Donna R. Searcy Secretary Federal Communications Commission 1919 M Street, N.W., Room 222 Washington, D.C. 20554

Attention: Allocations Branch

MM Docket No. RE:

Colfax, Illino

Dear Ms. Searcy:

Transmitted herewith, on behalf McLean County Broadcasters, Inc., are an original and four (4) copies of its "Comments and Counterproposal" in the above-captioned proceeding.

Should any additional information be required, please contact this office.

Very truly yours,

FLETCHER, HEALD & HILDRETH

Ezank R. Jazzo

Counsel for

McLean County Broadcasters, Inc.

FRJ/es Enclosures cc: Service List (w/enc.)

> No. of Copies rec'd ListABCDE

BEFORE THE

Federal Communications Commission

|FEB - 4 1993

RECEIVED

WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)			
Amendment of Section 73.202(b) of the Commission's Rules Table of Allotments FM Broadcast Stations (Colfax, Illinois)))))	MM D RM-8	No.	92-290
To: Chief, Allocations Branch,				

Policy and Rules Division

Mass Media Bureau

COMMENTS AND COUNTERPROPOSAL

McLean County Broadcasters, Inc. ("MCBI"), by its attorneys, hereby submits its Comments and Counterproposal in response to the FCC's Notice of Proposed Rule Making (DA 92-1598, released December 14, 1992) ("NPRM") in the above-captioned proceeding. In support thereof, the following is stated:

1. In the NPRM, the FCC proposes the allotment of Channel 299A to Colfax, Illinois, as that community's first local aural service. For the reasons set forth below, MCBI submits the following counterproposal for consideration in this proceeding:

	<u>C</u>	<u>hannel</u>	
Community	Present	Proposed	
Fairbury, Illinois		299A	

2. The attached Engineering Statement of Paul Dean Ford, P.E., demonstrates that Channel 299A can be allotted to Fairbury, Illinois, at assumed coordinates of: 40° 45′ 20" N; 88° 22′ 00" W; in full compliance with the separation standards of Section

- 73.207(b)(1) of the FCC's Rules. The proposed predicted 70 dBu contour from the assumed transmitter site will fully encompass the City of Fairbury, Illinois. The proposed allotment at Fairbury, Illinois, would provide that community with its first local aural service.
- 3. Since the proposed allotments of Channel 299A at Colfax and Fairbury, Illinois are mutually exclusive, the FCC must choose from among the proposed allotments based on the criteria set forth in Revision of FM Assignment Policies and Procedures, 90 F.C.C. 2d 88 (1982). The proposed Colfax and Fairbury allotments would each constitute a first local aural transmission service at their respective communities. Thus, the other public interest factors associated with the proposed allotments must be examined. Fairbury had a 1990 U.S. Census population of 3,643, which is over four times as large as the 1990 U.S. Census population of Colfax of 854 people. Moreover, Fairbury's population increased by 2.8% from 1980 to 1990, while the Colfax population declined by 7.2% from 1980 to 1990. Clearly, the City of Fairbury is more deserving of a first local aural transmission service than the Village of Colfax.
- 4. In the event that the FCC adopts MCBI's counterproposal and allots Channel 299A to Fairbury, MCBI will promptly file an application for a construction permit for Channel 299A at Fairbury. In the event that MCBI is awarded a construction permit for Channel 299A at Fairbury, it will expeditiously construct a new FM station on the channel.

WHEREFORE, for the foregoing reasons, MCBI respectively requests that the FCC allot Channel 299A at Fairbury, Illinois.

Respectfully submitted,

MCLEAN COUNTY BROADCASTERS, INC.

Rv:

rank R. Jazzo

Its Attorney

FLETCHER, HEALD & HILDRETH 1300 N. 17th Street 11th Floor Rosslyn, Virginia 22209 (703) 812-0400

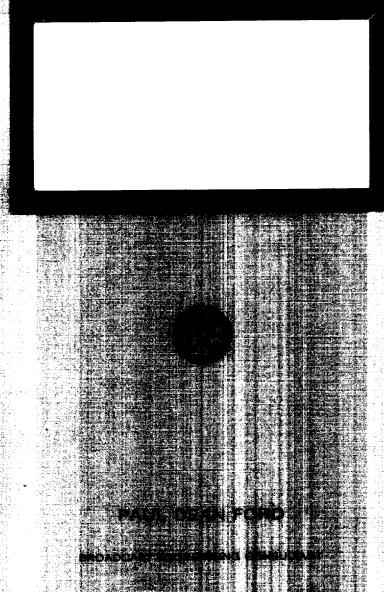
February 4, 1993

CERTIFICATE OF SERVICE

I, Elizabeth Stout, a secretary in the law firm of Fletcher, Heald & Hildreth, do hereby certify that true copies of the foregoing "Comments and Counterproposal" were mailed this 4th day of February, 1993, by first class mail, postage prepaid, to the following:

David D. Oxenford, Esquire
Matthew P. Zinn, Esquire
Fisher, Wayland, Cooper & Leader
1255 23rd Street, N.W.
Suite 800
Washington, D.C. 20037-1125
Counsel for Livingston County
Broadcasters, Inc.

Elizabeth Stout



THE PROPERTY OF THE PROPERTY O

3775 **Heat Bigger** Avenue

WEST TERRE HAUTE INDIANA 47885-9794 McLean County Broadcasters, Inc.

Req. Allotment of FM Channel

299A to Fairbury, IL Instead

of Colfax, IL (RM-8127)

January, 1993

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13	1990 Population of McLean County, IL from Dataworld, Inc. POPCOUNT Program

Disclaimer

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PAUL DEAN FORD, P.E. Broadcast Engineering Consultant

3775 West Dugger Avenue

West Terre Haute, Indiana 47885-9794

Member AFCCE

Tel (812) 535 - 3831 Fax (812) 535 - 3341

State of Indiana)

SS:

County of Vigo)

McLean County Broadcasters, Inc. Requests Allotment of 299(A), 107.7 mHz. to Fairbury, Livingston County, IL instead of to Colfax, McLean County, IL as proposed in RM-8127.

Affidavit and Engineering Statement

Paul Dean Ford has made a study of FM Channel Allotments in Illinois, and surrounding states, and determined that it is feasible to allot Channel 299A to Fairbury, Livingston County, Illinois instead of to Colfax, McLean County, Illinois as proposed in RM-8127.

The is no present allotment for either Fairbury or Colfax, Illinois.

According to the attached 1990 population listings for Livingston County and McLean County, Illinois the populations of Fairbury and Colfax, IL are as follows:

Colfax 854 Fairbury 3,643

The following entry is proposed to be added to the Table of Allotments:

Fairbury, IL 299A

Affidavit and Engineering Statement (continued)....

The coordinates for Fairbury, Livingston County, Illinois were determined from the Dataworld ATLASSCAN program to be as follows:

40-44-42 88-30-42

A site was assumed at the following coordinates that meets all spacing requirements of the Rules and provides a minimum of 70 dBu over the entire City of Fairbury, IL:

40-45-20 88-22-00

McLean County Broadcasters, Inc. requests the allotment of FM Channel 299A to Fairbury, Livingston County, Illinois instead of to Colfax, McLean County, IL as proposed in RM-8127 and will file application for the facility when the allotment is made.

Attached, is a map showing that the proposed predicted 70 dBu contour would encompass the City of Fairbury, Illinois from the assumed site. The contour was determined using the NGDC 3 second point terrain database for the assumed Fairbury, Illinois site and maximum Class A facilities.

FM Channel 299A can be allotted to Fairbury, Livingston County, Illinois in accordance with all F.C.C. Separation Requirements and without disruption to the Table of Allotments as shown by the attached FM Spacing Study from the assumed site by Dataworld, Inc.

Affidavit and Engineering Statement (continued)....

On the basis of the information presented herein, it is requested that the Commission Amend the FM Table of Allotments by adding the following:

Fairbury, IL 299A

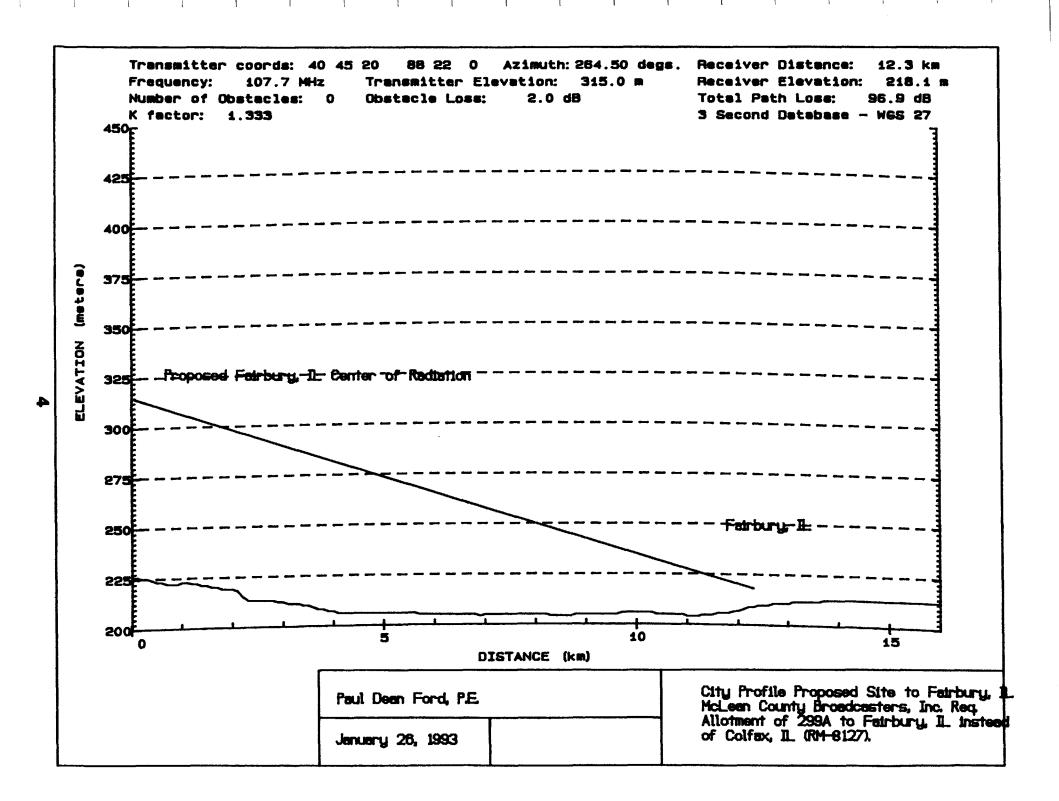
Paul Dean Ford, being first duly sworn upon oath, deposes and says that he is a Consulting Engineer at West Terre Haute, Indiana; Registered as a Professional Engineer in the State of Indiana; that he has been retained by McLean County Broadcasters, Inc. to prepare this engineering portion of this FM allotment request to the Federal Communications Commission; that he has personally prepared this report requesting the allotment of FM 299A to Fairbury, Livingston County, Illinois instead of to Colfax, McLean County, Illinois; that all facts contained therein are true of his own knowledge, except where stated to be on information or belief, and as to those facts, he believes them to be true.

aul Dean I

Subscribed and sworn to before me this 27th day of January, 1993.

Eleanor J. Ford, Notary Public, State of Indiana, County of Vigo

My commission expires August 7th, 1995.



Paul Dean Ford West Terre Haute, Indiana

Page 0 January 25, 1993

FM Spacing Study

Job title: McLean County Broadcasters, Inc. Channel 299A

FM Translators excluded.

Coordinates: 40-45-20 88-22-00 Safety zone: 75 km (46 miles).

This study utilizes a copy of the Dataworld Database and the FCC Database which was obtained through the facilities of Dataworld. Paul Dean Ford believes this information to be accurate and _ current; however, Paul Dean Ford does not assume any responsibility for any erroneous or incomplete data furnished as part of those databases.

West Terre Haute, Indiana January 25, 1993 FM Spacing study

FM Spacing study Title: McLean County Broadcasters, Inc. Channel 299A (107.7 MHz) Database: DW 01/22/93 Safety zone: 75 km							
Channel 299A (107.7 MHz) Database: DW 01/22/93	Longitude: 88-22-00 Safety zone: 75 km						
Call Auth Licensee name Chan ERP-kW City of License St FCC File no. Freq EAH-m	Longitude -from (km) (km)						
	22222222222222222222222222						
WNIB LIC NORTHERN ILLINOIS BCG CO 246B 8.40D	A 41-53-08 26.1 140.2 15 87-37-15 206.6 125.2 CLEAR						
WPGU LIC ILLINI MEDIA COMPANY 296A 3 URBANA IL BLH-800317AL 107.1 72	88-14-06 351.2 41.61 CLEAR						
ALLOC 296A — PLANO-SANDWICH IL 107.1 Allocated to PLANO IL	41-39-15 350.0 101.4 31 88-34-45 169.8 70.37 CLEAR						
WSPY LIC NELSON ENTERPRISES INCOR 296A 1.50 PLANO IL BLH-900716KG 107.1 142 License Granted 06/09/92 per FCC release #21401 date LANO-SANDWICH ILL	88-34-34 170.1 71.55 CLEAR						
_							
WZVN LIC GRACOL BROADCASTING CORP 296A 1.29 LOWELL IN BLH-880609KB 107.1 150							
NEW APP THE CROMWELL GROUP, INC. 297A 6DA MAROA IL BPH-920806ME 107.3 100 Received per FCC release #15331 dated 08/18/92, ter /92, accepted per NA-164 dated 10/30/92	88-57-53 32.7 62.26 CLEAR						
NEW APP MARK L. ROLLINGS 297A 6DA MAROA IL BPH-920805MB 107.3 100 Received per FCC release #15330 dated 08/17/92, ter /92, accepted per NA-164 dated 10/30/92	88-58-31 29.5 72.99 CLEAR						
NEW APP MAROA BROADCASTERS PARTN 297A 6 MAROA IL BPH-920806MC 107.3 100 Received per FCC release #15330 dated 08/17/92, ter -/92, accepted per NA-164 dated 10/30/92	89-03-27 33.5 74.54 CLEAR						
WGCI-FM LIC PACIFIC AND SOUTHERN CO 298B 33 CHICAGO IL BLH-810324AB 107.5 183							
WZZQ LIC CONTEMPORARY MEDIA INCOR 298B 27.5 TERRE HAUTE IN BLH-840709BX 107.5 204	39-30-14 150.3 159.7 113 87-26-37 330.9 46.70 CLEAR						
PRM PROPOSED RULE MAKING 299A COLFAX IL DOC-92-290 107.7 PRM adopted 11/24/92, released 12/14/92; RM-8127	40-33-54 224.8 29.81 115 88-36-54 44.6 -85.2 SHORT						

Paul Dean Ford West Terre Haute, Indiana

FM Spacing study

_	Title: McLean County Broadcasters, Inc Channel 299A (107.7 MHz)	Latitude: 40-45-20 Longitude: 88-22-00	
	Call Auth Licensee name City of License St FCC File no.	Chan ERP-kW Lat: Freq EAH-m Long.	itude Br-to Dist. Req. itude -from (km) (km)
			45-03 89.7 131.9 115 48-17 270.7 16.91 CLEAR
	WLLT LIC SAUK VALLEY BROADCASTING POLO IL BLH-891218KA License Granted 07/11/91 per FCC relea 1/23/89; Ant: Elec. Res. Inc. G5CPM-3E	107.7 145 89-3 se #21165 dated 0	36-20 140.4 48.86 CLEAR
_	WVCY LIC WIS VOICE OF CHRISTIAN Y MILWAUKEE WI BLH-870702KA		57-51 5.5 246.5 178 04-30 185.7 68.50 CLEAR
_	KMJM LIC NOBLE BROADCAST OF ST LO SAINT LOUIS MO BLH-871209KD		34-24 215.3 294.9 226 19-30 34.0 68.86 CLEAR
_	PRM PROPOSED RULE MAKING URBANA IL DOC-86-252		06-42 171.5 72.30 72 14-26 351.6 .296 CLOSE
New	WZNX LIC ROLLINGS COMM OF ILLINOI ARCOLA IL BLH-920414KA License Granted 08/24/92 per FCC release 9/06/91 per FCC release #166 dated 09/06/91	107.9 150 88-1 se #21455 dated 08	18-17 357.7 59.65 CLEAR 3/28/92; Call Granted 0
	WYSY-FM LIC MIDWEST BCG OF CHICAGO, AURORA IL BLH-910827KB License Granted 11/03/92 per FCC release /88; DA: Jampro JHPC-2R RFR @ 0 deg; As	107.9 232 88-0 se #21515 dated 11	04-23 190.7 20.12 CLEAR L/17/92; Was WAUR 03/01
_	WBYS-FM ORD FULTON COUNTY BROADCASTI CANTON IL BPH-890217ID ORDERED FROM 252A; TDF; Affiliated with	107.9 100 90-0	30-55 259.8 143.1 96 01-41 78.7 47.06 CLEAR

>> End of channel 299A study <<

raul Dean Ford Page 3 West Terre Haute, Indiana January 25, 1993 FM Spacing study

	Channel	299A (107.7	Broadcasters, Inc. MHz)		_	atitude: 40 ngitude: 88 fety zone:	-22-00
	City of	License	e name St FCC File no.	Freq EAH-m	Longitude	-from (km)	(km)
—	ALLOC Mattoon		IL	245B 96.9		180.1 137.5 .1 122.5	
_	PRM Pontiac	DEL Livingt	on County Broadca IL	246A 97.1		303.9 23.97 123.7 13.97	
	WPGU Urbana	LIC The Ill	ini Publishing Co IL BLH-800317AL				
	ALLOC Urbana		IL	296A 107.1		171.1 72.61 351.2 41.61	
	ALLOC Plano		IL	296A 107.1		352.0 101.6 171.9 70.63	
	WSPY Plano	LIC Nelson	Enterprises, Inc. IL BLH-900716KG	296A 1.50 107.1 142		350.2 102.5 170.1 71.55	
	WZVN Lowell	LIC Gracol	Broadcasting Corp IN BLH-880609KB	296A 1.30 107.1 152		50.3 104.7 230.9 73.66	
-	ALLOC Lowell		IN	296A 107.1		50.3 104.7 230.9 73.66	
	Maroa		mwell Group, Inc. IL BPH-920806ME : oddball ODD92080	107.3 100			
	Maroa	APC Maroa B: 12/07/92	roadcasters Partn IL BPH-920806MC			213.9 105.5 33.5 74.54	
	WGCI-FM Chicago	LIC Pacific	& Southern Compa IL BLH-810324AB	298B 33 107.5 183		25.7 139.3 206.2 26.25	
	ALLOC Chicago		IL	298B 107.5		25.7 139.3 206.2 26.25	113 CLEAR
	WZZQ Terre Ha	LIC Contempo ute	orary Media, Inc. IN BLH-840709BX	298B 27.5 107.5 204		150.3 159.7 330.9 46.70	113 CLEAR
	ALLOC Terre Ha	ute	IN	298B 107.5		150.3 159.7 330.9 46.70	113 CLEAR
	PRM Colfax	ADD Livingst	on County Broadc	299A 107.7		224.8 29.81 44.6 -85.2	115 SHORT

Paul Dean Ford West Terre Haute, Indiana FM Spacing study

Page 4
January 25, 1993

Latitude: 40-45-20 Title: McLean County Broadcasters, Inc. Channel 299A (107.7 MHz) Longitude: 88-22-00 Auth Licensee name Chan ERP-kW Latitude Br-to Dist. Req. City of License St FCC File no. Freq EAH-m Longitude -from (km) (km) ______ LIC Kevin Robert Page 299A 4.40 40-45-03 89.7 131.9 IN BMLH-900503KF 107.7 40 86-48-17 270.7 16.91 CLEAR Monticello ALLOC 299A 40-44-43 90.0 135.3 115 Monticello IN 107.7 86-45-53 271.0 20.30 CLEAR Filing window 12/08-01/07/88 **CLOSED** WLLT 41-53-52 321.2 163.9 115 LIC Bob Thomas Burns 299A 1.35 89-36-20 140.4 48.86 CLEAR Polo IL BLH-891218KA 107.7 145 ALLOC 41-59-06 323.9 170.1 115 299A Polo 107.7 89-34-48 143.1 55.14 CLEAR IL DOC-84-231 Filing window 01/19-03/01/88 **CLOSED** LIC Wisconsin Voice of Chris 178 299B 24 42-57-51 5.5 246.5 Milwaukee WI BLH-870702KA 107.7 164 88-04-30 185.7 68.50 CLEAR ALLOC 42-57-51 5.5 246.5 178 299B Milwaukee WI 107.7 88-04-30 185.7 68.50 CLEAR **KMJM** LIC Noble Broadacast of St. 38-34-24 215.3 294.9 226 299C 100 St. Louis MO BLH-871209KD 107.7 313 90-19-30 34.0 68.86 CLEAR ALLOC 299C 38-34-24 215.3 294.9 226 St. Louis 107.7 MO 90-19-30 34.0 68.86 CLEAR ALLOC 300B 41-46-10 5.1 113.1 Aurora 88-14-44 185.2 .056 CLOSE IL 107.9 WYSY-FM LIC Midwest Broadcasting of 300B 22.5 41-46-10 5.1 113.1 113 IL BLH-830503AL 107.9 226 Aurora 88-14-44 185.2 .056 CLOSE ALLOC 300A 39-41-00 177.6 119.2 72 Arcola IL DOC-90-197 107.9 88-18-30 357.6 47.16 CLEAR Filing window 11/27-12/27/90 **CLOSED** - WZNX LIC Rollings Communications 300A 2.50 39-34-15 177.7 131.7 72 Arcola IL BLH-920414KA 107.9 150 88-18-17 357.7 59.65 CLEAR _ WYSY-FM LIC Midwest Broadcasting of 300B 21DA 41-56-01 10.5 133.1 113 IL BLH-910827KB 107.9 232 88-04-23 190.7 20.12 CLEAR DA: oddball ODD900710IC @ 0 deg WBYS-FM APC Fulton County Broadcasti 300B1 25DA 40-30-55 259.8 143.1 96 IL BPH-890217ID 107.9 100 90-01-41 78.7 47.06 CLEAR DA: oddball ODD890217ID @ 0 deg

Paul Dean Ford West Terre Haute, Indiana Page 5
January 25, 1993

FM Spacing study

Title: McLean County Broadcasters, Inc. Channel 299A (107.7 MHz)

Latitude: 40-45-20

Longitude: 88-22-00

Call Auth Licensee City of License	name St FCC File no.	Chan ERP-kW Freq EAH-m			
ALLOC Canton	IL DOC-86-489	300B1 107.9	40-24-24 90-01-04	145.1 9 49.07 CLEA	•

>> End of channel 299A study <<

Feirbury, IL + Proposed Site 40-45-20 58-22-00

McLean County B/C, Inc.
Req. Allotment of 299A
to Fairbury, IL instead
of Colfax, IL (RM-8127).
Prepared January 26, 1993
by Paul Dean Ford, P.E.

KILOMETERS

10 0 10 20

REFERENCE POINT COORDS: MAP PROJECTION-ALBERS
LATITUDE: 40 15 0
LONGITUDE: 69 0 0 TIC MARK INTERVAL: .5

Dataworld, Inc. POPCOUNT 1990 U.S. Census

Paul Dean Ford

December 8, 1992

West Terre Haute, Indiana
Population count based on 1990 Census

Livingston County, Illinois r/o Forrest township (pt.) 212 Forrest village (pt.) 679 r/o Forrest township (pt.) 185 Germanville township 91 502 Fairbury city (pt.) r/o Indian Grove township (pt. 124 Fairbury city (pt.) 1,439 r/o Indian Grove township (pt. 58 1,031 Fairbury city (pt.) r/o Indian Grove township (pt. 12 Fairbury city (pt.) 671 r/o Indian Grove township (pt. 302 Long Point village 208 r/o Long Point township 333 Flanagan village (pt.) 987 r/o Nebraska township (pt.) 437 Nevada township 177 Newtown township 801 Odell village (pt.) 343 r/o Odell township (pt.) 156 Odell village (pt.) 687 r/o Odell township (pt.) 48 Owego township 302 Pike township 295 Pleasant Ridge township 288 Pontiac city (pt.) 3,603 r/o Pontiac township (pt.) 11 Pontiac city (pt.) 788 r/o Pontiac township (pt.) 84 Pontiac city (pt.) 1,189 r/o Pontiac township (pt.) 11 Pontiac city (pt.) 1,307 r/o Pontiac township (pt.) Pontiac city (pt.) 1,266 r/o Pontiac township (pt.) 18 Pontiac city (pt.) 3,209 r/o Pontiac township (pt.) 559 Pontiac city (pt.) 66 r/o Pontiac township (pt.) 809 r/o Reading township (pt.) 802 Rooks Creek township 483 Saunemin village 399 r/o Saunemin township 284 Cullom village 568 r/o Sullivan township 214 Sunbury township 258 Emington village (pt.) 31 r/o Union township 240 Waldo township 329 Totals for Livingston County (1990 Census): 32,041

-Population Count (continued)....

		McLea	n County	, Illinois	
	Anchor village		-	•	178
	r/o Anchor township				215
	Arrowsmith village				313
	r/o Arrowsmith township				180
_	Bloomington city (pt.)				8,988
	r/o Normal township (pt.)				9
	Bloomington township (pt.)				245
	Bloomington city (pt.)				116
	Cooksville village				211
	r/o Blue Mound township				267
	Saybrook village				222
	r/o Cheney's Grove townshi	.			172
	Chenoa city (pt.)	·F			1,052
:	r/o Chenoa township (pt.)				84
_	Chenoa city (pt.)				680
	r/o Chenoa township (pt.)				412
	Cropsey township				240
	Ellsworth village				224
	r/o Dawson township				265
	Gridley village (pt.)				735
	r/o Gridley township (pt.)				165
	Gridley village (pt.)				569
	r/o Gridley township (pt.)				344
	Hudson village				1,006
	r/o Hudson township				847
	Lawndale township *				237
	Lexington city (pt.)				1,125
	r/o Lexington township (pt	.)			· 99
	Lexington city (pt.)	•			684
	r/o Lexington township (pt	.)			363
	Colfax village	•			854
	r/o Martin township				300
	Money Creek township				824
	Normal town (pt.)				6,986
	r/o Normal township (pt.)				70
	Normal town (pt.)				7,210
	r/o Normal township (pt.)				277
	Normal town (pt.)				2,177
	r/o Normal township (pt.)				5
	Normal town (pt.)				1,905
	r/o Normal township (pt.)				10
	r/o Oldtown township				242
	Towanda village				856
	r/o Towanda township				335
_	r/o White Oak township				90
	Yates township				375
	Totals for McLean County (19	990 C	ensus):	4	2,763